

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GILBERTO FIERROS,

Plaintiff,

v.

IMMIGRATION AND NATURALIZATION  
DIRECTOR,

Defendant.

Case No. C-13-04435-RMW

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

**[Re: Docket Nos. 2, 5]**

On September 24, 2013, plaintiff Gilberto Fierros (“Fierros”) filed a complaint alleging the defendant, Immigration and Naturalization Director, wrongfully deported him. Fierros also filed an application to proceed in forma pauperis. Dkt. No. 2. On January 6, 2014, the magistrate judge ordered that the case be reassigned to a district court judge. Dkt. No. 5. The magistrate also issued a report and recommendation that the court dismiss the complaint because the court lacks subject matter jurisdiction and fails to state a claim on which relief can be granted. *Id.* The case is now before the undersigned. The court having reviewed the magistrate judge’s report and there being no objections filed, the court adopts the magistrate judge’s report and recommendation in full. Fierros’ motion for leave to proceed in forma pauperis is granted. However, the court lacks subject matter jurisdiction over this case, and, to the extent Fierros’ complaint raises any other claim for relief over

1 which this court might have subject matter jurisdiction, Fierros still fails to state a claim upon which  
2 relief can be granted. The court thus dismisses the case.

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5 Dated: April 7, 2014

  
RONALD M. WHYTE  
United States District Judge

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United States District Court  
For the Northern District of California